REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112, ¶ 2, and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits**.

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

Claims 1, 16 and 26 are objected to due to a minor informality. These claims have been amended based on the Examiner's helpful suggestion. Accordingly, this ground of objection should be withdrawn.

Claims 3, 13-15, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since claim 1 is allowable for reasons discussed below, claims 3 and 13-15 are also in condition for allowance since they depend, either directly or

indirectly, from claim 1. Further, since claim 34 has been rewritten in independent form to include the recitations of base claim 32 and intervening claim 33, claim 34 is now in condition for allowance. Finally, since claim 35 depends from claim 34, it is also in condition for allowance. Accordingly, this ground of objection should be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1-15 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner notes that lines 9 and 10 of claim 1 read "... not forwarding samples" when next hop information is not stable. The Examiner further notes that it "is not clear how the samples get generated in the first place... because samples get generated ***only when*** the state of the next hop information is stable". (Paper No. 12222004, page 2. Emphasis added.)

The applicants would like to clarify that the result of not forwarding samples (if the next hop information is not stable) can be obtained in at least two alternative ways. More specifically, the act of not forwarding samples may include dropping samples that were generated (See, e.g., claim 2 which depends from claim 1.), or may include suppressing the generation of samples in the

first place (See, e.g., claim 3 which depends from claim 1.).

Regarding the fact that the act of not forwarding samples may include dropping samples that were generated, the applicants respectfully disagree with the Examiner's conclusion that samples get generate "***only when***" the state of the next hop is stable. More specifically, since the claim uses the "open claim" language "comprising", the fact that samples are generated if the state of the next hop information is stable ***does not necessarily preclude*** the generation of samples if the state of the next hop information is not stable. That is, if the next hop information is determined to be unstable, the samples can be generated but dropped, or not generated in the first place, for example.

In view of the foregoing, the applicants respectfully submit that claim 1 is not inconsistent, and complies with 35 U.S.C. § 112, ¶ 2. Accordingly, this ground of rejection should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4, 9-12, 32 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 6,625,773 B1 ("the Boivie patent") in view of U.S. Patent No. 6,791,980 B1 ("the Li patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Before discussing at least some of the patentable features of the claims, the applicants will first briefly introduce the Boivie and Li patents. The Boivie patent

concerns multicasting, and in particular, addresses problems that can occur when IP multicast schemes designed for a relatively small number of large multicast groups are used for large numbers of (e.g., smaller) multicast groups. (See, e.g., column 1, lines 40 through column 2, line 24.) The Examiner correctly notes that the Boivie patent replicates multicast packets [such that there is at least one copy of the packet for each next of for each of the destination nodes listed in the received packet], and sends [modified copies] of the packet to each of the next hops. (See, e.g., column 2, lines 29-56.)

The Li patent also concerns IP multicast. In particular, the Li patent is concerned with reducing the number of multicast routes maintained in a multicast routing information base (MRIB). It does so by aggregating some multicast routes and installing a single "policy route" in the MRIB instead of the group. (See, e.g., the Abstract.) When a multicast packet is being forwarded, a router determines whether the most-specific multicast route in the MRIB is a policy route. If so, it is determined whether or not the policy route is "accepted" or "rejected." If it is "rejected," the multicast packet is dropped. (See, e.g., column 7, lines 36-54.) A policy route is deemed to be a "rejected" policy route if it is an aggregation of multicast routes that do not have a next hop device. (See, e.g., column 2, lines 64-67.)

Claims 1, 2, 4 and 9-12

In the rejection of claim 1, the Examiner is apparently equating "sampling" with "multicasting," and

generating samples with generating copies of packets. (See, e.g., 12222004, page 3.) However, the ordinary meaning of "sampling" is the act of collecting elements or parts representative of the whole, or collecting a set of elements drawn from, and analyzed to estimate the characteristics of, a population. (See, e.g., Webster's II: New Riverside University Dictionary, page 1034.) The examples provided in the specification of the instant application are entirely consistent with this ordinary meaning. (See, e.g., section 1.2.2 CHALLENGES TO GATHERING DATA FOR NETWORK ANALYSIS.) Copies of a multicast packet are not a collection of, or parts of elements representative of packets processed by a router, nor are they drawn from, and analyzed to estimate the characteristics of, a population of packets processed by the router.

In view of the foregoing, independent claim 1 is not rendered obvious by the Boivie and Li patents. New claim 48, which depends from claim 1, recites this difference more explicitly. Since claims 2, 4 and 9-12 depend, either directly or indirectly from claim 1, they are similarly not rendered obvious by these patents.

Claims 32 and 33

Since these claims have been canceled, this ground of rejection is rendered moot with respect to these claims.

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Li and Boivie patents as applied to claims 1 and 16, and further in view of U.S. Patent No. 6,275,492 B1 ("the Zhang patent"). The

applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner concedes that the Li and Boivie patents fail to teach next hop information including an index or name associated with an interface. To compensate for this admitted deficiency, the Examiner relies on the Zhang patent, citing column 4, lines 10-15 and table 1. First, the applicants respectfully note that the next hop information in TABLE 1 of the Zhang patent lists whether or not the destination router is directly connected with a current router, or whether there is an intervening next router. It includes router name information, **not** interface information. Accordingly, claims 5 and 7 are not rendered obvious by the Li, Boivie and Zhang patents for at least this reason. Since claims 6 and 8 depend from claims 5 and 7, respectively, they are similarly not rendered obvious by these patents.

Further, even assuming, arguendo, that the Zhang patent teaches next hop information including interface information, and further assuming that one skilled in the art would have been motivated to combine the references as proposed by the Examiner, the proposed combination does not compensate for the deficiencies, discussed above, of the Boivie and Li patents as applied to claim 1. Accordingly, claims 5-8 are not rendered obvious by these patents for at least this additional reason.

New claim

New claim 48 depends from claim 1 and recites that the samples are network analysis samples. This more

clearly and expressly distinguishes the invention over the cited art.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Respectfully submitted,

May 20, 2005

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CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **May 20, 2005** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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